

Remarks/Arguments

The Examiner rejects claims 7-12, 14 and 18. Claim 14 is presently amended. Claim 18 is cancelled. Claims 7-12 and 14 remain pending.

35 U.S.C. §103(a) (Claims 7-12, 14 and 18)

The Examiner rejects claims 7-12, 14 and 18 under 35 U.S.C. §103(a) as being unpatentable over Fite et al. U.S. 2003/0123767 A1 ("the Fite publication") in view of Fujisaki et al. U.S. Patent No. 4,686,400 ("the Fujisaki patent"). The applicants respectfully traverse the rejection of claims 7-12 for the reasons stated below.

Claim 7

The Examiner rejects claim 7 by stating that the Fite publication "disclose[s] the claimed invention except for said housing containing an armature and the bearing." (Office Action at p. 3) and that it would have been obvious to one having skill in the art at the time the invention was made to provide "a housing containing an armature and the bearing as disclosed by Fujisaki." (*Id.*) The applicants respectfully assert that the Examiner has not provided a *prima facie* case of obviousness because (1) the basis of rejection is not disclosed for at least one element, and (2) the cited references do not teach or suggest the use of the missing element. (*See* MPEP 706.02(k))

Regarding (1), while the applicants agree with the Examiner that the Fujisaki patent may teach the existence of a housing, armature and bearing, claim 7 also recites "a plurality of coaxial support elements, comprising a housing..." (Claim 7) (emphasis added) The applicants respectfully assert that the Examiner has not provided a *prima facie* case of obviousness because the Examiner has not asserted in the Office Action that it would have been obvious to one of ordinary art to provide a housing that is one of "a plurality

of coaxial support elements..." (Claim 7, See Fig. 2) The applicants respectfully request withdrawal of the rejection of claim 1 for failure to properly communicate the basis for the rejection. (See MPEP 706.02(k))

Regarding (2), the Fujisaki patent does not teach (or suggest) a housing that is a coaxial support element, but rather "a fan shroud 19a... and a mount 19b of a square shape by which the case 19 is secured to an electronic apparatus (not shown)." (Col. 2, lines 46-49) The applicants respectfully assert that the Fujisaki patent does not suggest the housing as a coaxial support element, but actually teaches away from the concept because "[t]he fan shroud 19b is so formed as to surround the fan 6 with a proper clearance 20 being provided therebetween." (Col 3, lines 52) (emphasis added) The applicants respectfully request withdrawal of the rejection of claim 7 for failure to teach or suggest the combination of references.

Claims 8-12

Claims 8-12 depend from claim 7 and so contain each of its limitations. For at least the reasons stated above for claim 7, the applicants respectfully request withdrawal of the rejection of claims 8-12.

Claims 14, 18

The applicants have amended claim 14 and cancelled claim 18 to overcome the present rejection. The applicants respectfully assert that amended claim 14 reciting "a fan housing to guide said outer coaxial sleeve" is not unpatentable over the Fite publication in view of the Fujisaki patent as so request withdrawal of the rejection of claims 14 and 18.


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Conclusion

The applicants believe that claims 7-12 and 14 are now in a condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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11-17-05
Date


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